

February 9, 2022

Via ECF

The Honorable Andrew L. Carter, Jr.
United States District Judge
United States District Court for the Southern District of New York
40 Foley Square
New York, NY 10007

Re: *In re Bit Digital, Inc. Securities Litigation* (No. 1:21-cv-00515-ALC)

Dear Judge Carter:

On behalf of Plaintiff, we respectfully request clarification of the Court's February 4, 2022 Order (ECF No. 54). Specifically, the order grants Defendants leave to file a motion to dismiss, however that motion is already fully briefed. *See* ECF Nos. 40, 43, 50.¹ The Order also grants Defendants permission to file a motion for sanctions, but Defendants have never indicated that they seek sanctions.

We would greatly appreciate the Court's guidance on how to proceed.

Very truly yours,



Jacob A. Walker

¹ Plaintiff filed a letter on January 21, 2022, seeking a pre-motion conference before filing an anticipated Motion to Strike. (ECF No. 52.) The February 4, 2022 Order appears to deny Plaintiff's request for a conference and, by extension, Plaintiff's proposed Motion to Strike certain exhibits filed with Defendants' Reply in support of dismissal.